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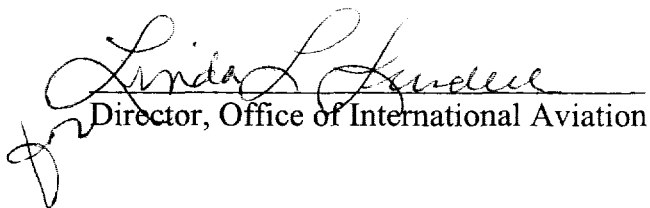


U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

**DEPARTMENT ACTION ON APPLICATION IN  
DOCKET OST 2002-13092<sup>-4</sup> (filed August 9, 2002)**

Approved under assigned authority (14 CFR §385.13).

Date of Action: **August 15, 2002**

  
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Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

**Application of United Air Lines, Inc. (United), for a Statement of Authorization under 14 C.F.R. Part 212 to permit United to display the "MX" code of Compania Mexicana de Aviacion, S.A. de C.V. (Mexicana), on United flights between Denver, Colorado, and Mexico City, Mexico (seasonal service) (Docket OST-2002-13092) (filed August 9, 2002) <sup>1</sup>**

The authority granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) United and Mexicana continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect. <sup>2</sup>
- (b) United and/or Mexicana must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2002-13092. <sup>3</sup>
- (c) The code-sharing operations conducted under this authority must comply with 14 C.F.R. Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provision in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected;
- (d) The authority granted here is specifically conditioned so neither United nor Mexicana shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions;
- (e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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<sup>1</sup> We acted on this application without awaiting expiration of the 7-day answer period with the consent of all parties served.

<sup>2</sup> United held exemption authority, through June 20, 2004, to serve the subject market on a code-share basis on flights operated by Mexicana (see Notice of Action Taken dated June 21, 2002). United now plans to inaugurate seasonal service in the Denver-Mexico City market on December 14, 2002, with its own aircraft. We have granted United's request to convert its code-share only exemption authorization to include an operating exemption authorization under the procedures established by the Department in Orders 99-6-6 and 2000-5-31 (see Department action dated August 15, 2002, in Docket OST-2002-12502).

<sup>3</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.